

**10416. Adulteration of shell eggs. U. S. \* \* \* v. Harry E. Fox (Fox Produce Co.). Plea of guilty. Fine, \$25. (F. & D. No. 14338. I. S. Nos. 339-t, 348-t.)**

On April 19, 1921, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harry E. Fox, trading as the Fox Produce Co., Alva, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 12 and 15, 1920, respectively, from the State of Oklahoma into the State of Kansas, of quantities of shell eggs which were adulterated.

Examination, by the Bureau of Chemistry of this department, of 2 cases from the consignment of July 12 and 3 cases from the remaining consignment, each case containing 360 eggs, showed the following results:

| Consignment.                   | July 12. | July 15. |
|--------------------------------|----------|----------|
| Mixed or white rots.....       | 24       | 318      |
| Spot rots.....                 | 11       | 15       |
| Blood rings, heavy.....        | 55       | 48       |
| Blood rots.....                | 13       | 7        |
| Black rots.....                |          | 5        |
| Chick rots.....                |          | 4        |
| Total inedible eggs.....       | 103      | 397      |
| Per cent of inedible eggs..... | 14.3     | 36.76    |

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On January 25, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10417. Misbranding of cotton salad oil. U. S. \* \* \* v. 45 Cans \* \* \* of Cotton Salad Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15081. I. S. No. 1091-t. S. No. C-3082.)**

On June 23, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 45 cans of cotton salad oil, at Chicago, Ill., alleging that the article had been shipped by A. Joannidi, New York, N. Y., May 6, 1921, and transported from the State of New York into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the article was alleged in substance in the libel for the reason that each of the cans containing the article were labeled as follows, "One Gallon Extra Fine Quality Olio La Famosa Cotton Salad Oil Slightly Flavored With Olive Oil Packed By Joannidi & Perides, New York," which statement was false and misleading and deceived and misled the purchaser in that it purported and represented that each of the said cans contained 1 gallon of the article, whereas each can contained less than 1 gallon thereof. Misbranding was alleged for the further reason that the said article was food in package form, and the quantity was not plainly and conspicuously marked on the outside of the package in terms of weight or measure.

On December 12, 1921, John Bullaro, Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the label of the said product be changed to read, "3 Quarts 1½ Pints \* \* \*."

C. W. PUGSLEY, *Acting Secretary of Agriculture.*